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February 10, 2021

Via ECF

The Honorable John G. Koeltl  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan United States  
Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: *Freedom of the Press Found. v. DOJ*, Case No. 1:17-cv-9343-JGK (S.D.N.Y.)**

Dear Judge Koeltl,

Pursuant to the Court's January 12, 2021 scheduling order, ECF No. 73, I write on behalf of both parties to update the Court on the status of negotiations over attorney's fees and expenses.

Under Federal Rule of Civil Procedure 54(d), Plaintiffs originally had until October 27, 2020 to file their motion for fees and expenses. Plaintiffs requested an extension of this deadline until January 11, 2021 to provide the parties with additional time to discuss a potential settlement, which the Court granted. *See* ECF Nos. 70, 71.

On January 11, the parties filed a joint update with the Court requesting a further extension of this deadline. The Court granted this request, and under the Court's scheduling order, the parties are to provide an update on the status of these negotiations by today, February 10, 2021. *See* ECF Nos. 72, 73.

The parties' efforts to reach an agreement on attorney's fees and expenses remain ongoing. On February 8, 2021, counsel for

Defendants conveyed via telephone Defendant DOJ-Criminal Division's position on Plaintiffs' fee request and the agency's counterproposal. To allow Plaintiffs time to consider this proposal, the parties respectfully request additional time to continue negotiations and propose that they again update the Court on the status of fee negotiations in thirty days, by Friday, March 12, 2021. This is the third request for an extension of this deadline.

Respectfully,

/s/ Anna Diakun

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Application granted.  
SO ORDERED.

New York, New York  
February 11, 2021

/s/ John G. Koeltl  
John G. Koeltl  
U.S.D.J.